IN THE HIGH COURT OF JUDICATURE FOR
RAJASTHAN
AT JAIPUR BENCH, JAIPUR.

O R D E R

S.B. CIVIL WRIT PETITION NO.3319/2007.

Radhey Shyam
Vs.
Ravindra Kumar Goyanka & Anr.

Date of order : 5/12/2007.

HON'BLE MR.JUSTICE MOHAMMAD RAFIQ

Shri L.L. Gupta for the petitioner.
Shri Rajneesh Gupta for the respondents.

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BY THE COURT:-

Heard learned counsel for the petitioner.

2) The petitioner has challenged the order dated 3/2/2007 whereby, his application filed under Order 18 read with Section 151 CPC for fixing the matter for evidence of the defendant-petitioner has been rejected by the learned court below. The said application was filed because the learned trial court vide order dated 29/5/2003 while recording submissions of the parties, decided the objection with regard to the rejoinder but after framing of above Issue No.2A as an additional issue, the matter was directly fixed for arguments on the main

suit. It was contended that, that part of the order can be read only in the context of Issue No.2A and not for other issues in general.

3) Having heard learned counsel for the parties and perused the record forming part of the petition, I find that while the aforesaid order was passed on 29/5/2003 but the application on which the impugned order has been passed was moved as late as on 27/1/2007. In between also it appears that defendant had been filing number of applications and all of which were rejected by different orders. At this belated stage, there is no reason to believe the version of the defendant that the aforesaid statement was erroneously recorded in the order-sheet dated 29/5/2003. In any case, there is no reason not to believe the proceedings of the court when no correction/review thereof was immediately applied for.

There is no merit in this petition and the same is accordingly dismissed.

(MOHAMMAD RAFIQ), J.

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